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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,724	11/21/2003	Thomas J. Gilg	200308974-1	3164

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EXAMINER

ABEDIN, SHANTO

ART UNIT	PAPER NUMBER
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2136

NOTIFICATION DATE	DELIVERY MODE
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04/04/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/719,724	Applicant(s) GILG, THOMAS J.	
	Examiner SHANTO M Z ABEDIN	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the communication filed on 01/07/2008.
2. Claims 9-16 and 20-28 have been presented for examination.
3. Claims 9-16 and 20-28 are rejected.

Response to Amendments

4. The applicant's amendments to claims filed on 01/07/2008 are entered, however, raise new issues for 35 USC 101 and 35 USC 112 type rejections presented in this office action.

Response to Arguments

5. Applicant's arguments regarding the previous 35 USC 112, first paragraph rejections of claims 11-12 are fully considered, however, amendments made to the claims 11-12 to overcome the previous 35 USC 112 first paragraph type rejections raise new grounds of 35 USC 112 first paragraph type rejection issues presented in this office action.
6. Applicant's arguments regarding **The Declaration** filed on 01/07/ 2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Hayashi (US 2004/0081334 A1) reference for at least following three reasons:

(a) The Hayashi (US 2004/0081334 A1) reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. In particular, subject matter of "two distinct concepts" shown by the email content submitted with the declaration, and the subject matter of claims 9-16 and 20-28 (especially claims 20 and 23) of the instant application would be obvious over the claim set (especially claims 9-16) of the Hayashi reference. Although Hayashi reference does not expressly claim a "displaying device" or "means for

displaying”, it does claim reproduction and output of image, and same pixel level encryption/decryption technique as claimed in the instant application. **An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306.** If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings. If the reference and this application are commonly owned, the reference may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718.

(b) The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Hayashi (US 2004/0081334 A1) reference. While conception is the mental part of the inventive act, it must be capable of proof, **such as by demonstrative evidence or by a complete disclosure to another.** Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). In particular, submitted EXHIBIT A fails to show a proper date prior to October 17, 2003, and at least portion of the EXHIBIT A, especially drawings/ Display Examples either differ from, or fails to show what was actually claimed, or originally submitted with the filing of instant application. Furthermore, evidence submitted, EXHIBIT A merely discloses the an overview of the claimed invention, however, fails to disclose a complete disclosure of the claimed invention.

(c) **The declaration was signed by two different inventors (Thomas J. Gilg and Ravi Prasad) who claimed to conceive the present invention, however, oath of the instant application was signed by only one of these inventors (Thomas J. Gilg).** Therefore, it raises

issues whether the claimed invention was conceived solely by the inventor Thomas J. Gilg, or by the joint inventors, and would raise future interference, and other legal issues. Please see MPEP, Appendix R: Patent Rules 37 C.F.R. § 1.131.

7. Therefore, for the reasons stated above, the Declaration filed on 01/07/ 2008 under 37 CFR 1.131 has been found ineffective to overcome the Hayashi (US 2004/0081334 A1) reference, and previous 35 USC 102 (e) type rejections in view of Hayashi (US 2004/0081334 A1) are maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 11-12 and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, regarding claims 11 and 12 recite the limitations such as “each of the pixel element includes decryption logic devices”, however, NOWHERE in the specification, each of the pixel element including decryption logic devices connects to a respective one of the pixels is taught. Furthermore, regarding claims 26-28, the specification fails to disclose limitations such as “decryption logic is a physical circuit”.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 9-16 are rejected under 35 USC 101 as the claimed invention is directed to non-statutory subject matter. In particular, claim limitations recite ‘pixels’, “pixel elements” and “decryption logic” as components of the claimed display device, however, according to the abstract and specification (especially Par 002 and 0011), these components are, or at least can be software implemented, and therefore being non-statutory. See MPEP 2106.01 [R-5].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 9-10, 13-16, 20-25 are rejected under 35 USC 102 (e) as being anticipated by Hayashi (US 2004/0081334 A1).

Regarding claim 9, Hayashi teaches a digital picture display device comprising:

a plurality of pixel elements arranged in an array and adapted to display picture information (Par [0003], [0049], [0055]; Fig 2A, 3A; arrangements/ storing of the image elements); and
at least one decryption device adapted to decrypt picture information for at least a first portion of the pixel elements with a first decryption key and to decrypt picture information for at

least a second portion of the pixel elements with a second decryption key (Par [0006]-[0008], [0015], [0143]-[0144]; claims 13-14; decryption key respective to each image tile).

Regarding claim 20, Hayashi teaches a method for receiving encrypted picture information, comprising:

providing a display device having a plurality of pixels organized into an array and adapted to display picture information (Par [0003], [0049], [0055]; Fig 2A, 3A; arrangements/ storing of the image elements);

receiving a data stream of digital picture information (Par [0019], [0049], [0055]; data stream);

decrypting the data stream of digital picture information with a plurality of the encryption keys to obtain a plurality of portions of picture information for each respective one of the plurality of encryption keys (Par [0006]-[0008], [0015], [0143]-[0144]; claims 13-14; decryption key respective to each image tile); and

dispatching each of the plurality of portions to respective ones of a plurality of different pixel groups in the array (Par [0008]-[0014], [0015], [0143]-[0144]; encoding/ decoding tiles).

Regarding claim 10, Hayashi teaches the digital picture display device according to claim 9, wherein: the first portion is a first single pixel element; and the second portion is a second single pixel element; wherein the decryption device is adapted to decrypt picture information for each of the pixel elements with a different decryption key (Par [0006]-[0015], [0143]-[0144]; claims 13-14).

Regarding claim 13, Hayashi teaches the digital picture display device wherein the first portion is a first plurality of pixels and the second portion is a second plurality of pixels (Par [0006]-[0008], [0015], [0143]).

Regarding claim 14, Hayashi teaches the digital picture display device wherein the decryption device is a single component that decrypts the first portion with the first decryption key and decrypts the second portion with the second decryption key (Par [0006]-[0008], [0015], [0143]).

Regarding claim 15, Hayashi teaches the digital picture display device further comprising: pixel logic adapted to receive decrypted picture information for the first portion from the decryption device and to receive decrypted picture information for the second portion from the decryption device and to dispatch the picture information for the first portion of pixel elements to the decryption device and to dispatch the picture information for the second portion to the second portion of pixel elements to the decryption device (Par [0006]-[0008], [0015], [0143]).

Regarding claim 16, Hayashi teaches the digital picture display device wherein the array is a picture gathering device of a digital camera (Par [0006]-[0008], [0141]- [0143]; camera).

Regarding claim 23, Hayashi teaches a micro electronic device, comprising: an array of display pixels collectively configured to display visible images; and a plurality of decryption logic components, each decryption logic component associated with different group of the display pixels and configured to decrypt video data directed to the respective group of display pixels (Par [0003], [0008]-[0014], [0015]).

Regarding claims 21-22, they recite the limitations of claims 9-10 and 20, therefore, they are rejected applying as above rejecting claims 9-10, 20.

Regarding claims 24-25, they recite the limitations of claims 9-10, 20 and 23, therefore, they are rejected applying as above rejecting claims 9-10, 20 and 23.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this action is set to expire in 3 (Three) months and 0 (Zero) days from the mailing date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C 133, M.P.E.P 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The examiner can normally be reached on M-F from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, A.U. 2136

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 16-19, 21-27 and 29-31 are rejected under 35 USC 102 (e) as being anticipated by

Allen et al (Pub US 2002/0149705 A1).

Regarding claim 16, Allen et al teaches

A pixel is generally thought of as the smallest single component of an image. The definition is highly context sensitive; for example, we can speak of printed pixels in a page, or pixels carried by electronic signals, or represented by digital values, or pixels on a display device, or pixels in a digital camera (photosensor elements).